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**REAL PROPERTY—WAY OF NECESSITY.**—The defendant had a right of way of necessity over the plaintiff's land to a highway. The highway was subsequently discontinued. *Held*, that the defendant had no right to pass over a part of the discontinued highway belonging to the plaintiff in order to reach another highway, even although there was no other way to get out of his land. *Morse v. Benson*, 24 N. E. Rep. 675 (Mass.).

**RES ADJUDICATA—FOREIGN JUDGMENTS.**—The defendants obtained a judgment against the plaintiffs in France, and brought an action on the judgment here. The plaintiffs brought a bill for discovery in aid of their defence, and the defendants in a plea set up the French judgment. *Held*, that a judgment rendered in a court of a civilized country having jurisdiction of the subject-matter in an action in which the defendant, a citizen of the United States, appeared and defended, cannot be impeached when sued on here, though the defendant was denied the benefit of our rules of evidence and procedure, and though the judgment was based on false testimony and was erroneous. *Hilton v. Guyott*, 42 Fed. Rep. 249. See also *McMullen v. Richie*, 41 Fed. Rep. 502.

**SALE—RESCISSION OF CONTRACT—FRAUDULENT REPRESENTATION TO MERCANTILE AGENCY.**—A party selling goods to an insolvent firm on the strength of a false representation by such firm to a mercantile agency as to its financial condition, may rescind the sale and recover the goods. *Gainesville Nat. Bank et al. v. Bamberger et al.*, 13 S. W. Rep. 959 (Tex.).

**STATUTE OF FRAUDS—AGREEMENT NOT TO BE PERFORMED WITHIN A YEAR.**—A promise to support a child fifteen years old until he becomes of age, is not an agreement "not to be performed within a year" within the meaning of the Statute of Frauds, since such promise might be fully performed within a year if the child should die within that time. *Woolbridge v. Stern*, 42 Fed. Rep. 311.

**STATUTES—EXAMINATION OF JOURNALS.**—Although an apparent statute has the signatures of the presiding officers of the House and Senate, and of the Governor, the courts will declare it void if they find from an examination of the journals of the Houses that it never in fact passed the Legislature. *Rode v. Phelps*, 45 N. W. Rep. 493 (Mich.).

**TELEGRAPH—DELIVERY OF TELEGRAM.**—A message was delivered to a telegraph company, addressed to "A. B., care of C. D., Fort Scott, Kansas." The latter refused to receive the telegram. *Held*, that an instruction to the effect that if C. D. gave the company's messenger such instructions as would enable him with ordinary diligence to find the addressee, then it devolved upon the company to deliver the message as instructed was erroneous, as imposing too great a duty upon the telegraph company. *Western Union Tel. Co. v. Young*, 13 S. W. Rep. 985 (Tex.). In *Pope v. W. U. Tel. Co.*, 9 Brad. (Ill. App.), an instruction that the company was bound only to deliver the telegram at the office address given, was held erroneous, as being too great a limitation on the duty of the company. See also Gray, Communication by Telegraph, § 23.

**TORT—DEATH BY WRONGFUL ACT—ACTIONS.**—Where statutes provide for the survival of certain delictual actions to the executor or administrator of the deceased, and also give an action to the personal representative for the benefit of the widow or next of kin, the personal representative may recover substantial damages in *two* actions, one under each statute. *Davis v. St. Louis, I. M., & S. Ry. Co.*, 13 S. W. Rep. 801 (Ark.). This case follows *Needham v. Ry. Co.*, 38 Vt. 294. For a discussion of cases reaching contrary results in Maine, Illinois, and Kansas, see 28 Am. L. Reg. 385, 513.

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## REVIEWS.

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**HISTORY OF THE COURT OF CHANCERY AND OF THE RISE AND DEVELOPMENT OF THE DOCTRINES OF EQUITY.** By A. H. Marsh, Q. C. Toronto; Carswell & Co., 1890. 8vo. Pages 140.

The author is the Equity Lecturer to the Law School in connection with the Law Society of Upper Canada, and to this fact this book owes its existence. It is written in a lively and forcible style, and

describes very clearly and concisely the origin of the Court of Chancery and the general course of its development. As the book is purely introductory, no attempt is made to mark out the extent of the jurisdiction of the court. For this reason it is well adapted for circulation outside the ranks of the legal profession. It is not expected, of course, that the book will aid the lawyer in his practice, but the author hopes that it may be of use to such as desire to refresh their memories as to the matters touched upon. G. C.

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**THE PATENTEE'S MANUAL.** By James Johnson and J. Henry Johnson. New York: Longmans, Green, & Co. Sixth edition, 1890. 8vo. Pages xxxii and 534.

This edition of a book already well and favorably known in its special field brings down to date all the provisions, legislative and judicial, governing the law and practice of patents for inventions in Great Britain. In the case of a book which has run through so many editions as this, extended criticism is uncalled for. In brief, it may be said that the book combines in an admirable manner the practical and theoretical aspects of the subject, each being readily separable from the other, for the purposes of examination of special topics, by means of the copious and well-arranged index. The wish of the authors that the book may prove of value, not only to inventors and patentees, but to the legal profession at large, seems abundantly realized—indeed, one of the chief merits of the book would seem to be its ready adaptability to the needs of the lawyer suddenly called to advise upon the patentability of an invention.

Among the more important of the numerous and valuable appendices are those containing the English legislation touching the subject of Patents, from the old Statute of Monopolies down to the present time, the International Convention and Protocol for the Protection of Industrial Property, the Patent Rules of 1890, and a careful Digest of the Patent Laws of Foreign Countries and the British Colonies. W. B.

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### BOOKS RECEIVED.

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**JURISDICTION; ITS EXERCISE IN COMMENCING AN ACTION AT LAW.** By Joseph H. Vance. Ann Arbor: Argus Book and Job Rooms, 1890. Pages xxi and 63.

**AN HISTORICAL SKETCH OF THE EQUITABLE JURISDICTION OF THE COURT OF CHANCERY.** By D. M. Kerly, M.A., LL.B. Cambridge, England: at the University Press, 1890. 8vo. Pages 303.

**THE DOCTRINE OF EQUITY.** By John Adams. Eighth edition, by Robert Ralston. Philadelphia: T. & J. W. Johnson & Co., 1890. 8vo. Pages lxix and 839.

**THE TRIAL OF JESUS FROM A LAWYER'S VIEW.** By C. H. Blackburn. Cincinnati: Robert Clark & Co., 1890. 8vo. Pages 68.

**THE RIGHTS OF MINORITY STOCKHOLDERS, and What Legislation, if Any, is Needed for their Protection.** By Eugene D. Hawkins. Albany; Weed, Parsons & Co., 1890. Pages 210.